

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of

Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

MM Docket No. 87-268

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To: The Commission

PETITION FOR RECONSIDERATION

Max A. Trevino, by counsel and pursuant to Section 1.106 of the Commission's rules hereby respectfully petitions the Commission for reconsideration in part of the Sixth Report and Order, FCC 97-115 (rel. April 21, 1997) in the above-identified proceeding.

Trevino is the licensee of low power television station K17DD, Albuquerque, New Mexico. In the digital Table of Allotments announced in the subject Report and Order, a full-service Channel 17 was allotted to Albuquerque. Such an allotment would displace K17DD. Trevino requests that the Commission delete the Channel 17 allotment at Albuquerque and substitute in its place another channel which would not interfere with any authorized low power television or television translator station. As the accompanying engineering statement indicates, Channel 54 could be allotted to Albuquerque in place of Channel 17 without causing harm to any authorized low power or translator stations, and apparently without harm to current NTSC or digital allotments.

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Trevino acknowledges that his low power station is a secondary service and that, under the rules, it must give way to full-service stations to avoid interference. However, the Commission has stated its desire to preserve low power stations to the maximum extent possible while developing the digital Table of Allotments. In accord with that policy, where there is a choice of digital channels available for allotment to a community, the Commission should select the channel which is least harmful to existing low power and translator stations so as to preserve the widest possible choice of programming for the community. Replacing Channel 17 at Albuquerque with Channel 54 would further this principal.

Allotting Channel 54 in place of Channel 17 would still allow for the full development of digital television among Albuquerque's full-service stations while preventing the unnecessary hardship placed on K17DD by the presence of a full-service allotment on the same channel. Even if K17DD could successfully claim displacement privileges and move to another channel, it would be unnecessarily burdened by such a trauma. That burden would absorb resources that could better be used to provide service directly to the public.

Accordingly, Trevino respectfully requests that the Commission change the digital Table of Allotments as published in the Sixth Report and Order so as to substitute Channel 54 for Channel 17 at Albuquerque, New Mexico.

Respectfully submitted

MAX A. TREVINO

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June 13, 1997

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of MAX A. TREVINO ("Trevino"), licensee of Low-Power Television Station K17DD, Channel 17, Albuquerque, New Mexico, in support of his Petition for Reconsideration of the Commission's *Sixth Report and Order* in MM Docket No. 87-268 concerning the implementation of digital television (DTV) service.

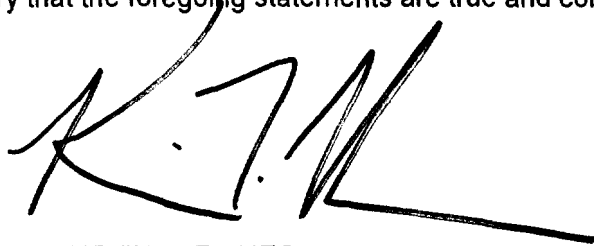
In this proceeding the FCC assigned DTV channels to all eligible full-service television stations in the United States. However, in doing so, the Commission assigned DTV Channel 17 to KAZQ, Albuquerque. This station is 21 miles from the K17DD transmitter site. At such distance, K17DD will cause interference to and receive interference from the KAZQ DTV facility. As a result, the operation of this DTV station will force K17DD to cease operation on Channel 17. Should no alternative LPTV channel be available in Albuquerque, K17DD will have to shut down entirely.

There do appear to be alternative DTV channels that could be assigned to KAZQ. According to an MSTV/NAB computer study, "Alternative DTV Channel Assignments in the Continental United States," dated May 28, 1997, DTV Channel 54 could be assigned to KAZQ without affecting the rest of the FCC's Table of DTV Allotments. Interestingly, the MSTV/NAB study identified several other alternative channels for KAZQ. However, based upon our study, construction of its DTV Channel 54 facility by KAZQ will not result in the displacement of any authorized LPTV or TV translator station.

It must be noted that we did not conduct a detailed study of this alternative DTV channel with respect to replication of NTSC coverage, nor did we calculate interference areas between and among DTV and NTSC facilities, since the complex computer software that the FCC used to generate its proposed Table of Allotments is not readily accessible to the public. Therefore, further study of Trevino's proposed alternative allotment may be required, or other alternative channels may be found to be better substitutes than that requested herein.

For now, based upon the information at hand, it is requested that the Commission assign DTV Channel 54 to KAZQ, Albuquerque. This action is clearly in the public interest, since it protects the viewers of K17DD from the loss of valued programming and at the same time assists the FCC's implementation of the new DTV service in Albuquerque. The Commission has stated that a goal of this proceeding is to minimize the impact of DTV on the LPTV and TV translator segment of the broadcasting industry. Adoption of this alternative channel for KAZQ would do just that.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'K. T. Fisher', with a long horizontal stroke extending to the right.

KEVIN T. FISHER

June 11, 1997